

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
April 21, 2010**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 6:00 PM, Wednesday, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Chairwoman Baker. Present were Commissioners Ken Keller, Pete Palmer, Jed Selby, Town Planner Shannon Haydin, and Deputy Town Clerk Jennifer Dixon.

ROLL CALL

Deputy Town Clerk Dixon proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Chairwoman Baker led in the Pledge of Allegiance.

AGENDA ADOPTION

Chairwoman Baker called for amendments to the agenda. There were none. **Motion #1** by Commissioner Keller, seconded by Commissioner Palmer, to adopt the agenda as presented. Motion carried.

Approval of the Minutes

Chairwoman Baker called for approval of the March 3, 2010 minutes - there were no changes. **Motion #2** by Commissioner Palmer, seconded by Commissioner Keller, to adopt the minutes as presented. Motion carried. Called for approval for the March 17, 2010 minutes **Motion #3** by Commissioner Selby, second by Commissioner Palmer to adopt the minutes as amended (amending page 5 of 6 section "F" add after does not allow "the IRC for alternative access for loft space" and remove "lofts because of access.") Motion carried.

PUBLIC COMMENT

Chairwoman Baker opened the public comment portion of the hearing at 6:06 PM.

John Grove 116 N Court Street.

Mr. Grove waited after the election to request adding developing procedures in the beginning of a development project for verifying land for wetlands, FEMA Flood Plain issues, and other possible water issues. One these things might have been resolved the move forward with the Cottonwood Meadows project. This problem isn't unique to Buena Vista but is also an issue in Chaffee County.

Mr. Grove feels that these issues coming up at Final Plat will change the original development agreement and this could cause other issues later. If we could get this process changed for future developments it could become more efficient in the future.

Commissioner Selby asked if he had a list of the specific items for examples. John Grove said that you can go to any county they will show that you need these items before going forward with an application for a project. Commissioner Selby stated we need to add items to sketch plan.

Planner Haydin stated that currently there are no wetland maps for Chaffee County. There is also not a Geological survey or soils data. We can acquire this; however we do not have it now in the county's geo data base in mapping. Planner Haydin also spoke with the Town Engineer Rachel Friedman because we are working in conjunction with the Public Works Manual regarding subdivisions and there are more items that we need at sketch plan. In the long term both Ms Freidman and Shannon would like a chapter in the Comprehensive Plan for natural resources protection within our 3 mile area. This would protect the DOW land outside of town that is owned by the state. If the state would liquidate the land it could be developed

if it wasn't protected. Changes to the Comprehensive Plan could be done in 2011 but the sketch plan could be revised sooner rather than later.

Commissioner Keller asked if this proposal could discourage development.

Mr Grove stated good developers go through workshops on this. Feels that it would be better for them to do it in the beginning because they would only have to go through a process once rather than going through it later and having to re-sketch the development.

Chairwoman Baker asked this would impact a sketch plan for any type of a subdivision and PUD process?

Planner Haydin stated that one of the things she has noticed is that a PUD is being treated as a subdividing and it is actually zoning. We need to separate those on how they are processed in the town. So it wouldn't affect PUD's directly but would when they were later subdivided.

Mr. Grove stated that when you have a large 700 unit project you should know these these items will seriously affect sewage, water, etc. In other counties developers avoided wetlands because it was cheaper to develop away from them. It's easy when there is room, not so easy when they are at build out and everyone wants to move in.

With no other comments received, the public comment portion of the hearing was closed at 6:19 PM.

RESPONSE TO PUBLIC COMMENT

Chairwoman Baker thanked Mr. Grove for coming before them and requested Planner Haydin to add this to the list of projects to address. Planner Haydin asked Mr. Grove if he would be willing to assist them with this project as he has shown expertise in this area. Mr. Grove agreed.

NEW BUSINESS

A. Letter of Interest in a Position on the Planning & Zoning Commission from Mr. William Yinger

Chairwoman Baker asked Mr. Yinger to answer a list of questions that had been created for prospective Planning and Zoning Commissioners.

William Yinger 421 West Main, Buena Vista, CO 81211

1. Brief summary of Public Service in Buena Vista or where you were before.

Was involved in Oklahoma City on the bank board for twenty plus years and then when they moved here ten years ago he's been involved with church boards. Has been involved in a few things involving his wife's business, Serendipity. A few years ago he did make a run for trustee. He also participated in the public input for the Buena Vista Comprehensive Plan.

2. The following questions should be answered using the current BV Comprehensive Plan (which was developed using significant public input and has been submitted to the Town Council for approval) as a guide:

a. What points do you feel are most important in managing inevitable growth.

Mr Yinger supports growth and using smart growth. Has been around the valley for approximately 50 years and has watched a lot of the growth go to Salida. Feels that is because Buena Vista hasn't been friendly to growth and has been supporting too much sprawl growth. He would like to fill in the vacant lots to make the town more appealing and people stop going to Salida.

b. Are you familiar with smart growth principles?

Somewhat, but feels that he has a lot to learn.

c. Describe the type of development, both residential and business, you feel the Town should pursue.

He thinks the Meadows and South Main are the types of developments we should pursue. Fill in the areas that are vacant and clean up what is in the town limits now, before adding in more land to the town. He feels that this position can have some input on some of the eye sores in town. It hurts his wife's business. The Smart Growth mind set is appealing for people that want to live here and retire here.

Commissioner Keller asked him about when you say eye sores you mean construction type, trash, or both?

Mr Yinger stated the Texaco needs to go and the empty store fronts. Some cities lean on the absent landlords. Get someone in to rent or there are consequences. See what leverage for the absent landlords.

Planner Haydin stated they are doing research on what we can do with the Texaco. It has a clean bill of health. We are looking at what can be done from an abatement perspective. An example that was raised by Trustee Benson was in Albuquerque they penalize the absent land owners. We have a lot of vacant storefronts in town for rent for high prices. Planner Haydin stated she didn't feel the penalizing the owner's financially was popular, but staff has been directed to see what options or incentive that we can give them.

Mr. Yinger doesn't feel the town has been aggressive enough on these items. He feels that we should have some recourse on if it's a vacant building or a store front.

d. What is your stance regarding annexations, i.e., what type of annexation can/should be approved by the P & Z and forwarded to the Trustee and what type of annexation should go to a vote of the people? Should we continue to uphold the current code, do you think it should be changed and have it go to a vote of the people right away.

His opinion is why would you have the boards and commissions if you can't trust them to make a decision even if it's hard. No it should not go to the people.

e. What measures should the Town implement to ensure affordable housing?

Mr. Yinger stated that it was a big question everyone wrestled with on the Comprehensive Plan Committee. He didn't have the answer to that. Needs more input from people who have been involved specifically in affordable housing in other communities, steal it other than starting from scratch.

3. What is your opinion regarding impact fees and what type, if any should be imposed on residential and business development?

a. if you oppose ALL impact fees on principle, what other measures should the Town consider to raise monies for infrastructure development and maintenance.

Planner Haydin stated that school, parks, transportation, street, tree, impact fees, basically fees to cover the cost of the impact of a development upon the community.

Mr. Yinger stated that he was not sure what is acceptable, would like to see what is being done in towns that are doing it right. Would like to see what Salida is doing and see what less costs.

Chairwoman Baker stated this was something brought up to as a way to finance improvements to the streets and areas.

John Grove stated that since he was on the board at that time to give a perspective. He shared the view that impact fees inappropriately applied can be abused.

4. What type of incentives, if any, should the Town provide for business growth? Should the incentives be different for new business vs. Existing Business?

Mr. Yinger stated there should be incentives for filling in downtown with retail businesses. Not sure if you can do that with taxes, cash, or dropping certain fees. Other cities do that.

Chairwoman Baker stated they recently took away the parking fee from downtown.

Mr Yinger stated there seems to be a negative attitude in the town which makes people think we are against growth. That has gotten around state and nation. He thinks there can be incentives with some kind of moratorium on taxes or things like this.

Chairwoman Baker stated that we would be willing to hear the ideas on this.

5. Give a brief summary of how P & Z should approach developing and IGA with the County. Any thoughts on how we should develop such an IGA.

Mr. Yinger asked what the IGA was and how it would work.

Planner Haydin stated with an IGA once it is accepted the next step is a joint planning commission that is created from both town and county planning commissioners. They meet to review applications half and half is County/Town. Try to level the playing field and make sure that it doesn't conflict with rules that apply to town. In the IGA area there is a little more town insight on this.

Mr. Yinger asked if it had been implemented.

Planner Haydin stated it was adopted; there was a list of items that needed to be taken care of within 30 days, when none of it happened it was dropped. We are currently trying to have it in place by fall; we have a good relationship with the county. The biggest thing right now is mapping.

Planner Haydin stated the IGA could have helped with the Meadow's situation. It would have put an end to the threat if you don't do this we will go to the county. If there was an IGA they could have all gotten get together. It's a joint decision.

6. Regarding transportation issues –what are your thoughts regarding

- a. Bike and pedestrian paths**
- b. Safe Routes to school**
- c. Public transit/light rail/computer rail development**

Chairwoman Baker stated that there was discussion of a light rail would be between Salida and Buena Vista using existing rail. Take some of traffic off of Highway 24.

Mr. Yinger stated he was all for anything that improves where we can walk or ride a bike on as opposed to driving. Get some paths so we can ride bikes to places and walks that are paved. There is not anything in this valley that is paved for riding or walking.

Mr. Yinger also stated he would rather see the money spent on the trails/bikes than the light rail. That seems to be more desirable and feasible to the people who live and vacation there. He feels that there is a big negative that it is difficult to go place to place.

7. What should the Town do to ensure there is enough water for handling inevitable growth.

Mr. Yinger stated that he feels that the town should rely on the experts. He is a geologist and he feels that there is a lot of water in this valley. He also feels the naysayers don't really know what they are talking about.

Commissioner Keller asked if after this discussion if it made him more enthusiastic.

Mr. Yinger stated he was more enthusiastic.

B. Special Use Permit to allow a tourist accommodation in a private residence at 344 Waters Avenue.

Planner Haydin stated that the request to allow a Tourist Accommodation in a private residence on property zoned R-1 located at 344 Waters Avenue. Stated that the owner will be living in the home with her son and intends to rent out on periodic use. There are two letters of opposition and in one it states that this is a R-2 use, however that is incorrect. Tourist accommodations are allowed as a special use in R-1.

BV Sanitation stated that Ms Austin may be required to update her sewer. She may need to have further discussion with them regarding if it's covered. Commissioner Selby felt that with only one kitchen the EQR increase is not justified." He wanted to know if the town has any say or if there is any way to approach them. Planner Haydin stated that as far as she knew Ms. Austin would be held to whatever decision the Sanitation District made. Chairwoman Baker stated that this is a conversation for Ms. Austin would to have with them. Ms. Austin stated that she plans to contact them about this, however if it was part of the cost of doing business then she would take care of it. Commissioner Selby stated if there was anything the Town of Buena Vista could do to apply pressure that it is something we should do.

Chairwoman Baker asked if there was a way to make a recommendation to the Sanitation Board. Planner Haydin stated that we could make a request to the sanitation board regarding this, which would put the matter in the record and the Board of Trustees will see that.

Commissioner Palmer asked about the letters regarding previous applications for Tourist Accommodations in a R-1 zone that were denied. Planner Haydin stated that it was her belief that these were vacation rentals and not B & Bs. Mr. Grove was on the commission at this time and stated the key was that they were not a B & Bs. They were required to have an owner on presence that would be accountable to the neighbors. Those businesses did not want to do that.

Planner Haydin reviewed her staff report and made the following recommendation:

Staff recommends that the Planning and Zoning recommend approval of the Special Use Permit application for property located at 344 Waters Avenue with the following condition.

1. The Special Use Permit is unique to the applicant but not to the property and cannot be transferred to future owners of the property.

Planning and Zoning Discussion:

The Planning and Zoning Commissioners discussed the neighborhood, the impact parking would have on the neighborhood, what parts of the property would be accessed by guests, lighting, and plans for outdoor activities.

Joyce Eberhart 345 Waters (across the street.)

Ms. Everhart stated she was here in support Ms. Austin's application for the B & B. As a neighbor she feels that parking will not be an issue because guests could turn around behind the house by the garage if the other side was used as parking.

There was a question regarding the house being four bedrooms and her son staying with there. Ms. Austin stated that her son is there part time with her and she does not plan to have all three rooms rented when he is there. He spends part of the time with his father. If something were to happen the downstairs bedroom is large enough for her to put up a partition for him, but does not plan for that to be an issue.

There was a discussion regarding the letters.

1. The letter states that proposed address is in a R-1 zone, which does not allow a short term rental operation.

Planner Haydin stated that it is zoned R-1 and tourist accommodation in a private residence inclusive of a bed and breakfast is allowed as a Special Use. The definition of "tourist accommodation in a private residence" in the code states "means a portion or portions of an owner-occupied residence made available to paying guests for short-term lodging." The definition of "tourist accommodation" in the code states "means a room or rooms intended for occupancy by paying guest or guests on a temporary or transient basis, usually not exceeding thirty (30) days, and where kitchen and other food preparation facilities may be provided, and includes cabins and similar small structures designed and intended to serve the traveling public."

2. The letter states that such a business in the R-1 zone will reduce the re-sale value of homes in our neighborhood.

There was a discussion that there was really no way to be able to tell how this will affect the re-sale value of the homes.

3. The operation approval will set up a precedent within the town and will open up applications for other types of businesses in the R-1 zones.

Planner Haydin stated that with the Special Use process you have the ability to review each application individually. There is always going to be a level of some risk when you allow something as a special use. That is when you have to look at the nature of the application, the criteria, the nature of the applicant, and with the best of your ability decide whether or not you feel the impact to the neighborhood will be justified if there is one.

There was a discussion of recommendations and the following motion was made:

Motion #4 by Commissioner Palmer, second by Commissioner Selby, to recommend approval to the Board of Trustees for the Special Use Permit application for property located at 344 Waters Avenue with the following conditions:

- 1. The Special Use Permit is unique to the applicant but not to the property and cannot be transferred to future owners of the property.**
- 2. Any paying guest(s) must park their vehicle or associated equipment (including trailers) on the property or within the two on-street spaces directly in front of 344 Waters Street.**
- 3. Lighting for the sign will be limited to a single light fixture without external glare.**
- 4. Must comply with Town Code Noise Ordinance.**
- 5. A review of this Special Use Permit in one year's time with no additional application fee to allow both the applicant and the residents in the neighborhood an opportunity to voice concerns. This permit could be rescinded for good cause.**

Commissioner Keller abstained from the vote.

Motion carried

Break at 8:26 PM

Meeting called back to order 8:37 PM

C. Landscape Plan Peaks West, LLC, 502 Antero Circle

Planner Haydin reviewed her staff report and made the following recommendation:

Conditionally approve the landscape plan with the following conditions:

1. One six foot tall or taller Ponderosa Pine Tree to be planted on the site prior to issuance of the certificate of occupancy.

After a brief discussion the following motion was made:

Motion #5 by Commissioner Palmer, second by Commissioner Keller, to approve the landscape plan for Peaks West, LLC at 502 Antero Circle with the following condition:

1. One tree with a minimum of two inches caliper and minimum six foot in height in accordance with the planting guide.

Motion carried.

D. Landscape Plan for Alpine Towing, 633 Gregg Drive

Planner Haydin reviewed her staff report and made the following recommendation:

Approve the landscape plan with the following conditions:

1. All trees planted must be warranted for a period of two years.
2. Any additional landscaping will be in accordance with an approved plan; amendments to this plan will be necessary.

After a brief discussion the following motion was made.

Motion #6 by Commissioner Selby, second by Commissioner Keller, to approve the landscape plan for Alpine Towing at 633 Gregg Drive with the following condition:

1. A minimum of three trees with a minimum of two inch caliper and a minimum of six foot in height must be planted and warranted for a period of two years in accordance with the planting guide.
2. Any additional landscaping will be in accordance with the Buena Vista planting guide.

Motion carried.

E. Request by Christian Campton for Temporary Use Permit to allow camping at property located at 501 Gregg Drive.

Planner Haydin stated that after further review of the code the Temporary Use Permit is approved or denied by the Town Administrator. Therefore the Administrator, Ms Boyd, will make her decision. If she chooses to deny the permit it will be forwarded to the Board of Trustees for an appeal.

There was a discussion regarding adding a camping ordinance to the code. It was believed that we should learn what we can from this Temporary Use Permit if allowed and apply it to that code. There was a discussion of areas that we could allow camping in town limits were the Rodeo Grounds and the River Park.

F. Discussion on Allowing Medical Uses by Right in the B-2 Zone District

Staff is requesting guidance from the Planning and Zoning commission regarding this. Planning and Zoning requested that Planner Haydin review the definition of medical use and clarify the code for medical clinics and their definitions.

G. Discussion on Fence Heights

Staff is requesting guidance from the Planning and Zoning regarding fences. There has been a lot of discussion regarding non-conforming fences in town. We currently have several fences that do not meet the code. In addition to this staff has been contacted by several individuals wanting to build fences over the 42" height due to the deer population. Staff also plans on amending the current fence code to require a Town of Buena Vista building permit.

After a discussion Planning and Zoning directed staff to amend the code to require a town building permit and grandfather the current fences that do not comply. When they become dilapidated and need to be replaced they must comply with the code. If fences are requested to be built higher than 42" they need to request a variance with their building permit.

OLD BUSINESS

A. Adoption of 2006 International Fire Code

Staff is requesting additional time to do a thorough review of the IFC 2006. This is also planned to be a possible work session with the Board of Trustees in June. Following the work session, staff intends to finalize the ordinance adopting the IFC with Amendments and bring them to the Planning and Zoning Commission on June 16th to review.

CHAFFEE COUNTY REPORT

Nothing at this time.

STAFF REPORT

Zoning Compliance Officer Tony LaGreca is working on the trash list and will address the ones that are still not in compliance. Planner Haydin plans to inform the trustees before the letters go out. Mayor Russell resigned effective April 20, 2010 at Noon.

Motion to adjourn:

Commissioner Selby made a motion to adjourn the meeting and to go into Executive Session. Commissioner Plamer seconded. Motion carried.

Executive Session

Called to order at 9:52

There was a brief discussion regarding William Yinger's appointment and the following motion was made:

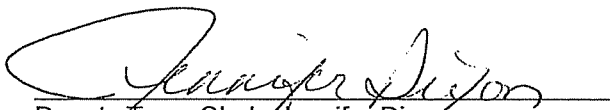
Motion #7 by Commissioner Selby, seconded by Commissioner Keller to recommend to the Board of Trustees the appointment of William Yinger as Planning and Zoning Commissioner. Motion carried.

ADJOURNMENT

Motion #8 by Commissioner Selby, seconded by Commissioner Palmer, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:58 PM. Motion carried.

Respectfully submitted:


Evelyn Baker, Chairwoman


Deputy Town Clerk Jennifer Dixon